

for the United States District Court
for the Western District of Pennsylvania

United States of America,

v.
Frederick Banks,
Defendant.

FILED

04cr176

MAY - 1 2014

[Exclusion hearing requested]

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

Motion to Correct Clerical

Error; And motion to Arrest Judgment; and
to extend time to file transcript for new trial, and to dismiss

Defendant Frederick Banks ("Banks") moves the Court to
correct a clerical error.

1. The Judgment in a criminal case for Revocation reflects
counsel as Patrick Nightingale

2. Defendant represented himself in the District Court Nightingale
was standby counsel. The error in the Judgment should be

corrected and a new Judgment should be filed and served on defendant.
Defendant should receive Docket entries 678, 679 because they were not
~~there~~, served on him. Finally, defendant moves the Court to

order that the transcripts from the bond hearing held on 11/22/2013

be transcribed. Ben Garrison testified that defendant received the

defenses the bond hearing transcript and the trial appearance

transcript which must also be transcribed will show that he

is in violation of 4th, 5th, 6th and 8th Amendment

Notice. Defendant also moves to arrest the Judgment of

revocation because of Docket 676 the Court issued an order

consolidating the supplemental revocation petition allegations with the

petition and subsequently the government withdrew the allegations in the

supplement when they did that because the allegations were incorporated by order

the petition of revocation of 10/23/14 (ocket 672) was withdrawn. Also,

Under 18 USC § 1028, 1028(a) the identifying document had to be issued

by the USA. Cochran birth date was a state issued identification as was his

license, "a means of identification of another person" in 1028(A) a federal Statute relates to a federally issued identification document ~~or~~ a state issued identification document or means. Given capital never provided the defendant ID and no birth certificate was used. The government only alleged a birth date which is not an "identification document" under the Statute. See 18 USC 1028(b)(1)(A) nor is a social security # an "identification document" a social security card is thus, the SS# the government alleged Defendant used did not comport with the Statute. See 18 USC § 1028A Statute that whoever uses "means of identification of another person" violates 10 USC § 1028A. Also under 18 USC 1028A the section the government relied on there was no attempt provision and the government charged in the petition an "attempt". See 1028A controls 18 USC 1028(F) Attempt and conspiracy. Defendant moved the Court to extend the time to make this motion for exclusive neglect because he only received the transcript this week and had no idea before then that the court ordered consolidation of the petition and supplemental petition. Moreover, the court lacked subject matter jurisdiction under Rule 12(b) because a means of identification document was never used. Defendant was prosecuted because he spent over \$100 dollars litigating and defending the government's alleged financial prejudice. He was lodged into NECC Youngstown, OH and held in a cell in the 1st floor for over six months without a shower, working toilet or recreation and he was verbally abused by a CT named Anthony Kidd in the employee of CCAT's department who yelled continuously through his vent and referred to defendant as a "dark worshiper" due to his 'Wicca Religion' beliefs. Also, CC Parada on two occasions confiscated Defendant's Wicca Chalice, Tarot cards and Tarot cards and CC Services and others attempted to convert defendant to Christianity by uttering phrases to him such as "radiosity of light" and "we're are going to bring you out of the darkness and into the light" in violation of the First Amendment Free Exercise and Establishment Clause. Also, CC Staff removed the human factors

of the newspaper before he received it because that knew he liked to read that section and provide him with a styrofoam cup which was less than half the size of the plastic cups everyone else on the 18th received. Staff refused to provide Defendant with personal addressed so he could contact his friends and family in violation of the First Amendment association clause and refused and made false entries into his inmate account to disrupt his postage and commissary. Staff also obstructed and delayed his outgoing legal mail which resulted in over 16 civil cases being dismissed for failure to prosecute and most recently Unit Manager Mordzki ordered that while Defendant review legal mail he can get the mail but not the envelope the Court must fit in. A practice that was highly discriminatory because it was not applied across the board and ridiculous. Thus Defendant demanded actual prejudice. Defendant also moved for a retrial under newly discovered evidence because he never received a copy of the above listed racket entries they were never served on him and on 10/24/13 ^{Dec 676, 678} he was counsel of record. Also, Defendant moved the Court for the transcript of the initial appearance see RUC 679 which will clearly show that Defendant did not receive the petition or supplemental petition in violation of the power and the notice requirement listed in Fed. R. Crim. Pro. 32.1. Defendant moves the Court to order the FBI agent Lungford and government to produce and serve on him clear copies of the front and back of each debit card taken from his residence + wallet and a complete list of everything that was taken during the search of his residence the inventory list he received does not contain the debit card on it which the government said was taken at the search so what else was taken that they didn't list. The FBI already told Defendant's Ferrari and did not list it on any inventory a matter which the CJA is investigating presently. Also the cash account at Gain Forex (^{was} opened 9/13/13 and was not charged in the petition, the identity theft was not investigated) therefore, the foregoing motion should be granted. Defendant also renew the motions listed in Dec 692 as defendant is counsel of record the Court should order Defendant immediately released unless with all other requested or uncorrected relief.

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An evidentiary hearing should be held. The Court should order the government to respond.

Respectfully submitted,


Frederick Banks

#0377068

ATFCC

2240 Hubbard road

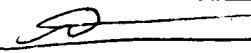
Youngstown, OH 44508

Defendant.

Certificate of Service

I hereby certify that on 4/26/14 I served a true and correct copy of the foregoing by mail delivery upon the following:

Office of the US Attorney
4000 US Courthouse
700 Grant Street
Pittsburgh, PA 15219


Frederick Banks

4/29